

MAINE SUPREME JUDICIAL COURT  
SITTING AS THE LAW COURT

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DOCKET NO. CUM-16-421

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IN RE CAROL BOARDMAN  
*Appellant*

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On Appeal from the Cumberland County Probate Court

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[APPENDIX] OF APPELLANT CAROL ANN BOARDMAN

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November 9, 2016

James S. Mundy (ME Bar No. 5154)  
Whitney, Mundy & Mundy  
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## Docket Entries

2016-0868	BOARDMAN, CAROL ANN	PETITION FOR CHANGE OF NAME – ADULT
06/17/2016	Cumberland	

**Parties:**

CAROL BOARDMAN ANN P.O. BOX 437 STANDISH ME 04084  
PET

**Docket:**

### Activity Description

06/17/2016	CN-1 Petition for Change of Name - Adult; Affidavit of Name Change
06/17/2016	Copy of Petitioner's photo ID.
06/17/2016	HEARING: 8/18/16@
08/18/2016	ORDER: NAME CHANGE DENIED.
09/07/2016	NOTICE OF APPEAL TO THE LAW COURT
07/06/2016	NAME CHANGE-PUBLICATION

## STATE OF MAINE

CUMBERLAND COUNTY PROBATE COURTDOCKET NO. 2016-0868In Re: CAROL ANN BOARDMAN

## ORDER

Acting under the requirements of 18-A M.R.S.A. §1-701 and pursuant to the foregoing petition of CAROL ANN BOARDMAN for the change of Name (Adult), due notice thereon having been given, a hearing having been had or waived, and the matter having been considered;

The Court hereby finds that the Petition IS/IS NOT being sought for the purpose of defrauding another person or entity or for purposes otherwise contrary to the public interest.

The Petition for Change of Name (Adult) is hereby ~~DENIED~~/GRANTED and it is ORDERED that the name of CAROL ANN BOARDMAN be changed to CAROL ANN CURRIER which shall hereafter be the Petitioner's legal name.

The Register shall make and preserve a record of this Order in this Court. The Register shall enter the following on the docket: The Order dated August 18th, 2016 is incorporated in docket by reference. The entry is made in accordance with the Maine Rules of Probate Procedure 79(a) at the specific direction of the Court.

Date: August 18, 2016  
Judge of Probate

*Ms Boardman seeks to change her name to the surname of her partner. She admits that by doing so will give the public impression they are a married couple and thus a false impression.*

## STATE OF MAINE MAY 27 2016 PM 12:02

County Probate Court

Docket No. 2016-0868

In Re: \_\_\_\_\_

Petition for Change of Name  
(Adult) 18-A M.R.S. §1-701

Attorney for Petitioner, if any

Name Carol BoardmanAddress Box 437Standish ME 04084Telephone Number 207-351-0043

Maine Bar Registration Number \_\_\_\_\_

1. Full legal name of petitioner (include middle name, if any):

Carol Ann Boardman

2. Address and telephone number of petitioner (include physical address, if different):

Box 437 - Standish ME 04084 207-351-0043

3. Date of birth of petitioner:

1/21/1955

4. Petitioner desires to change his/her name to (include middle name, if any):

Carol Ann Carrier

5. Petitioner desires to change his/her name for the following reasons:

I was widowed 3 years ago.  
Would like to change my name nowDated: May 27-2016Carol A. Boardman

Signature, Using Current Legal Name

If petitioner(s) is/are represented by an attorney, said attorney  
Must also sign petition pursuant to Rule 11

YORPROB

## STATE OF MAINE

YORK, ss.

PROBATE COURT

Docket No. 2016-0526AFFIDAVIT BY ADULT SEEKING  
TO HAVE HIS/HER OWN NAME CHANGED

I, Carol Ann Boardman, of Standish me, am over the age of 18 years. I have petitioned to have my name changed to Carol Ann Carrier. Date and place of birth: Greenfield Ma. 1-21-55; telephone number 207-351-0043. Under penalty of perjury I hereby affirm that:

1. I certify that I have notified and attached proof of notice to or waivers of notice by all applicable persons indicated by my check made below, and that, for any category of person(s) not checked by me below, the person(s) identified in such category or categories do(es) not exist.

☐ (a) My spouse;

☐ (b) My parents;

☒ (c) Any adult person who is a relative or with whom I live or work or who is a blood relative of a person with whom I live who has the same name which I am seeking to adopt;

☐ (d) Any creditor to whom I owe more than \$1,000.00;

☐ (e) All parties to any lawsuit in which I am involved, whether civil or criminal;

☐ (f) All adults with any parental rights in or legal obligations for or toward my minor children;

☒ (g) I have no minor children.

2. I am not involved in any bankruptcy proceedings or arrangements among creditors in which my debts to others are being affected, nor do I reasonably anticipate that such proceedings or arrangements are about to begin.

3. I know of no person who has or has reason to have any objection to the change of name I am seeking.

Dated: 5-27-16

Carol Ann Boardman  
Signature (using current legal name)

## STATE OF MAINE

YORK, ss.

Personally appeared the above-named Carol Ann Boardman, who, under penalty of perjury, affirmed the truth of the foregoing statements and acknowledged her signature thereon to be genuine and to have been executed as her free act and deed.

Cynthia M. St. Amant  
Notary Public

CYNTHIA M. ST. AMANT  
Notary Public, Maine

For Notary Public My Commission Expires August 31, 2017

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R STATE OF MAINE

CUMBERLAND COUNTY, ss.

PROBATE COURT

CIVIL ACTION

DOCKET NO. 2016-0868

IN RE: CAROL ANN BOARDMAN,

Petitioner

NAME CHANGE

AUGUST 18, 2016  
PORTLAND, MAINE

BEFORE:

THE HONORABLE JOSEPH R. MAZZIOTTI  
JUDGE OF THE PROBATE COURT

APPEARANCES:

PRO SE PETITIONER:  
CAROL ANN BOARDMAN

TRANSCRIBED BY:

ESCRIBERS, LLC  
700 West 192nd Street, Suite #607  
New York, NY 10040

1 (This matter came for hearing before The Honorable Judge  
2 Joseph R. Mazziotti of the Cumberland County Probate Court,  
3 Portland, Maine, on August 18, 2016 at 12:30 p.m.)

4 THE COURT: The next Petitioner is Carol Boardman. And  
5 you'd like to change your name to Carol Ann Currier?

6 MS. BOARDMAN: Yes.

7 THE COURT: And is Currier your maiden name?

8 MS. BOARDMAN: No.

9 THE COURT: Whose name is it?

10 MS. BOARDMAN: My friend, Chuck Currier.

11 THE COURT: Are you married?

12 MS. BOARDMAN: No.

13 MR. COURIER: We're not married.

14 MS. BOARDMAN: My --

15 THE COURT: That -- that presents a problem for me.

16 MS. BOARDMAN: Okay. Boardman was my married name. My  
17 husband passed away in 2013 and I just want a have a fresh  
18 start.

19 THE COURT: That's okay.

20 MS. BOARDMAN: Okay.

21 THE COURT: But you can't take the name of a person to  
22 whom you could be married without appearing as though you  
23 are married, right? If the two of you share the same last  
24 name, you would appear to be married by anybody who met you.  
25 That would be deceptive. So, if somebody were to extend



1 credit to you, let you sign a lease, give you access to  
2 records, they would do say under the misapprehension that  
3 you were a married couple, but you're not. So, at Court's  
4 view, a legal status, in the eyes of the public, that would  
5 be a deception to the -- in -- in terms of the -- of the  
6 name change statute. So, I'm afraid I can't give you what  
7 you ask for.

8 MS. BOARDMAN: What am I supposed to do?

9 THE COURT: Get married. That's your solution, I'm  
10 afraid.

11 MS. BOARDMAN: Okay.

12 THE COURT: Otherwise, inadvertently you would be giving  
13 the false impression that you were a married couple, and I  
14 can't allow that. That's one of the few exceptions there  
15 are to name changes.

16 MS. BOARDMAN: So, I --

17 THE COURT: So, I'm afraid I'm going to have to deny  
18 your petition.

19 MS. BOARDMAN: Okay.

20 THE COURT: Thank you.

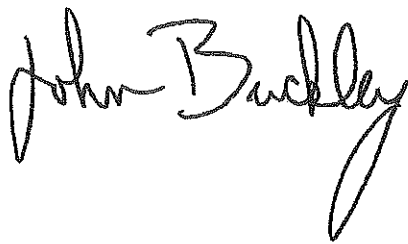
21 MS. BOARDMAN: All right.

22 (Proceedings concluded at 12:53 p.m.)  
23  
24  
25

## CERTIFICATION

I HEREBY CERTIFY, that the foregoing, pages 1 through 3, is a true transcript of a CD recorded on Thursday, August 18, 2016, at the Cumberland County Probate Court located at Portland, Maine, of the case entitled, IN RE: CAROL ANN BOARDMAN, to the best of my professional skills and abilities.

September 13, 2016



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John Buckley, CET-623  
Court-Approved Transcriber

# STATE OF MAINE

CUMBERLAND COUNTY PROBATE COURT

DOCKET NO. 2016-0868

In Re: Carol Ann Boardman

## NOTICE OF APPEAL TO THE LAW COURT

I appeal to the Law Court from the judgment, order or ruling entered in this proceeding on August 18, 2016

Pursuant to M.R. App. P. 5(b)(2)(A), the Statement of the Issues (*reasons for appeal*) are attached or are as follows: See attached

### CHECK APPLICABLE BOX:

- ☒ The Transcript Order form is attached.
- ☐ No transcript will be ordered.
- ☐ No electronic or other recording of the proceedings can be prepared for this case. Therefore, a statement in lieu of transcript will be prepared pursuant to M.R. App. P. 5(d).

Date:

  
Appellant/Appellant's Attorney

James S. Mundy #5154

Appellant's Attorney & Maine Bar Registration Number

PO Box 187, South Berwick, ME 03908

Appellant's Attorney's Address

PO Box 437, Standish, ME 04084

Appellant's Address

NOTICE: This notice must be filed within 21 days of the entry of the judgment in the docket.

Appeals from the Probate Court to the Law Court are governed by the Maine Rules of Appellate Procedure.

**STATE OF MAINE**

**CUMBERLAND COUNTY PROBATE COURT**

**Docket No. 2016-0868**

**IN RE: CAROL ANN BOARDMAN**

**STATEMENT OF ISSUES ON APPEAL**

Now comes Petitioner Carol Ann Boardman, by and through her attorney, and identifies the following issues on appeal in this case:

1. Whether the Probate Court abused its discretion in denying Petitioner's name change by erroneously interpreting the law to prohibit unmarried cohabitants from sharing the same name.
2. Whether the Probate Court abused its discretion by making clearly erroneous findings of fact regarding the relationship of the Petitioner to the person whose name she petitioned to share.

Dated at South Berwick, Maine this 2<sup>nd</sup> day of September 2016.

**Whitney, Mundy & Mundy**  
Attorney for Plaintiff



James S. Mundy, ME Bar No. 5154  
PO Box 187, So. Berwick, ME 03908  
T: (207) 384-2051 F: (207) 374-4011

App. 11

**STATE OF MAINE**

**CUMBERLAND COUNTY PROBATE COURT**

**Docket No. 2016-0868**

**IN RE: CAROL ANN BOARDMAN**

**ENTRY OF APPEARANCE**

The undersigned attorney hereby requests that the Clerk please enter his appearance as counsel for Petitioner Carol Ann Boardman in this case.

Dated at South Berwick, Maine this 2<sup>nd</sup> day of September, 2016.

**Whitney, Mundy & Mundy**



James S. Mundy, ME Bar No. 5154  
PO Box 187, So. Berwick, ME 03908  
T: (207) 384-2051 F: (207) 374-4011

App. 12

PROBATE  
SUPERIOR COURT  
CUMBERLAND

STATE OF MAINE

DISTRICT COURT

Docket No.: 2016-0866

Location:

Docket No.:

IN RE: CAROL ANN BOARDMAN

Plaintiff

TRANSCRIPT AND AUDIO  
ORDER FORM

x.

~~Defendant~~

Petitioner

Plaintiff's Attorney

James S. Mundy

~~Defendant's Attorney~~

Purpose of Transcript or Audio Request: (Please check one)

1. ☒ Appeal ☐ Law Court ☐ Superior Court ☐ Sentence Review Panel ☐ Post-Conviction Review

2. ☐ Reference ☐ Use in another pending case ☐ Personal Reference

If for use in another pending case, is there a court imposed due date? ☐ Yes ☐ No

If yes, date due: \_\_\_\_\_

Type of Request: (Please check one)

☒ Paper Transcript or ☐ Audio Recording (MP3 Recording on CD)

Payment: (Please check one)

1. ☒ Private Pay
2. ☐ State Expense (Motion for Transcript at State Expense (CV/CR-166) required)
3. ☐ MCILS (Motion for Transcript at State Expense (CV/CR-166) required)
4. ☐ State Agency (Office of the Attorney General, District Attorney, etc.)

A clerk must verify that all of the necessary information is listed below. Under hearing type, please be specific if you want the entire hearing or just a specific portion of it.

Hearing Date(=)	Hearing Type	Courtroom	CD Start/End Times, Tape & Index Number or OCR Name:
1. 8/18/16 @ 12:30 p.m.	NAME CHANGE	Cumberland County Probate	Only portion relating to appellant required
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
Court Clerk Signature _____		Date _____	

INCOMPLETE FORMS MAY BE RETURNED